

Appl. No. : 09/695,609
Filed : October 23, 2000

REMARKS

The April 1, 2004 Office Action was based upon pending Claims 1-72. This Amendment amends Claims 1, 11, 36, 37, 38 and 47 and adds new Claims 73-89. Thus, after entry of this Amendment, Claims 1-89 are pending and presented for further consideration.

In the April 1, 2004 Office Action, the Examiner rejected Claim 47 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Further, the Examiner rejected Claims 1-72 under 35 U.S.C. §102(b) as based upon a public use or sale of the invention.

The Examiner rejected Claims 1-16, 24-58 and 66-72 under 35 U.S.C. §102(b) as being anticipated by the commercial product HP OpenView as documented in the book "Focus on OpenView A Guide to Hewlett-Packards Network and Systems Management Platform", by Nathan J. Muller, published 1995 ("the HP OpenView reference").

The Examiner rejected Claims 17-23 and 59-65 under 35 U.S.C. §103(a) as being unpatentable over HP OpenView reference in view of Official Notice.

EXAMINER INTERVIEW

Applicant would like to thank the Examiner for the interview extended to Applicant's counsel of record, John R. King, on June 16, 2004. During the interview, the Examiner agreed that the proposed amendments to Claim 1 clarified the patentably distinguishing features of the invention. Thus, applicants have made similar clarifications to the other independent claims.

Applicant and the Examiner also discussed the drawings and code disclosed in Applicant's provisional application. As discussed in further detail below, agreement was reached that Applicant established priority to Applicant's provisional patent application.

As discussed in the interview, Applicant also added two new independent claims and dependent claims directed the visual depiction of the REDO feature disclosed in the patent application.

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Reconsideration of the pending claims as clarified is therefore respectfully requested.

REJECTION OF CLAIM 47 UNDER 35 U.S.C. § 112

The Examiner rejected Claim 47 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular, the Examiner objected to the use of "efficiently." In light of the interview, Applicant has deleted the word "efficiently" from Claim 47.

Withdrawal of the rejection of Claim 47 under 35 U.S.C. § 112, second paragraph is therefore respectfully requested.

REJECTION OF CLAIMS 1-72 UNDER 35 U.S.C. § 102

The Examiner rejected Claims 1-72 under 35 U.S.C. §102(b) as based upon a public use or sale of Applicant's invention. As discussed in the interview, Applicant is entitled to priority to Applicant's earlier filed provisional application.

The drawings and code disclosed in the provisional application provide support for the pending claims. The provisional patent application also includes the source code that shows the nature of the program instructions used in the released product. In addition, the drawings in the provisional application are substantially similar to the drawings of present patent application. For example, Figure 1 of the present patent application is nearly identical to a drawing disclosed in the provisional patent application.

Withdrawal of the rejection of Claims 1-72 under 35 U.S.C. §102(b) is therefore respectfully requested.

REJECTION OF CLAIMS 1-16, 24-58 and 66-72 UNDER 35 U.S.C. § 102

The Examiner rejected Claims 1-16, 24-58 and 66-72 under 35 U.S.C. §102(b) as being anticipated by the commercial product HP OpenView reference.

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As discussed in the interview, neither the HP OpenView reference nor any other cited reference teaches the visual depiction of data flowing into and out of the architectural or software components.

Applicant has clarified independent Claims 1, 11, 36, 37, 38, and 47, along the lines discussed in the interview. Therefore, Applicant respectfully respectfully submits that independent Claims 1, 11, 36, 37, 38 and 47 are patentably distinguished over the cited references and Applicant respectfully requests allowance of independent Claims 1, 11, 36, 37, 38 and 47.

Furthermore, dependent Claims 2-10 which depend from Claim 1, dependent Claims 12-16, and 24-35 which depend from Claim 11, and dependent Claims 39-46 which depend from Claim 38, and Claims 48-58 and 66-72 which depend from Claim 47, are believed to be patentable for the same reasons articulated above with respect to Claims 1, 11, 38 and 47 and because of the additional features recited therein.

Withdrawal of the rejection of Claims 1-16, 24-58 and 66-72 under 35 U.S.C. §102(b) is therefore respectfully requested.

REJECTION OF CLAIMS 17-23 and 59-65 UNDER 35 U.S.C. § 103

The Examiner rejected Claims 17-23 and 59-65 under 35 U.S.C. §103(a) as being unpatentable over the HP OpenView reference in view of Official Notice that icons are well known to exist for shapes to represent the claimed meaning of symbols.

While applicant disagrees with the Examiner's position with respect to the Official Notice, applicant has amended the independent claims as discussed above. In particular, dependent claims 17-23 which depend from Claim 11 and dependent Claims 59-65 which depend from Claim 47 are believed to be patentable for the same reasons articulated above with respect to Claims 11 and 47 and because of the additional features recited therein.

Withdrawal of the rejection of Claims 17-23 and 59-65 under 35 U.S.C. §103(a) is therefore respectfully requested.

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NEW CLAIMS 73-89

As discussed in the interview, the Examiner stated that the claims directed to REDO feature would be allowable. Accordingly, the Applicant has added independent Claim 73 directed to a method and independent Claim 83 directed to a system, both of which are directed to the REDO feature disclosed in the patent application.

Dependent Claims 74-82 which depend from Claim 73, and dependent Claims 84-89 which depend from Claim 83 are believed to be patentable for the same reasons articulated above with respect to Claims 73 and 83 and because of the additional features recited therein.

CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

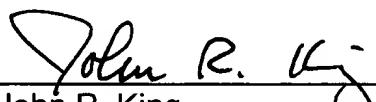
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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